

Troy T. Williams v Capital One Bank(USA)N.A. and Equifax Information Services Inc.  
Case No. 5:17-cv-01216-HNJ

**FILED**  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION

U.S. DISTRICT COURT  
N.D. OF ALABAMA

**September 8, 2017**

This document relates to:

**Troy T. Williams**, an  
Individual

*Plaintiff,*

V.

:  
:  
**Case No. 5:17-cv-01216-HNJ**  
: PLAINTIFF DEMANDS TRIAL  
: BY JURY  
:  
:  
:

**Capital One Bank (USA)N.A.  
and Equifax Information Services  
Inc.**

*Defendant(s)*

To: Chief Judge: Karon O Bowdre

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**PLAINTIFF'S MOTION FOR RE-HEARING TO THE CHIEF  
JUDGE: KARON O BOWDRE ON MOTION FOR RECUSAL  
AND/OR DISQUALIFICATION**

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Comes now, Plaintiff, Williams, by way of pro se', hereby moves  
this Court pursuant to Federal Rule of Civil Procedure 28 U.S.C. §

455(a), for a re-hearing by the **Chief Judge: Karon O. Bowdre** on Plaintiff's "*motion for recusal and/or disqualification*" submitted on August 28, 2017 (ECF 30 & 31).

The following will clearly explain why Williams request a re-hearing by the Chief Judge: Karon O. Bowdre, concerning "Motion for Recusal".

1. First off, Williams asserts that this petition is not about adverse rulings concerning Plaintiff as indicated by Judge Johnson Jr. order on August 29, 2017 (ECF 32).
2. Williams asserts Judge Herman N Johnson Jr. has violated or ignored the Federal Rules of Civic Procedure throughout this proceeding. Plaintiff seeks understanding as to why in light of the Court's actions that this would not be deemed an "*abuse of discretion*" and why this action by the Court would not warrant an immediate granting of Williams motion of recusal and/or disqualification.
3. Williams is complaining about the manner, [manner being how did the Court reach its decision on the "merits"] when the court ruled on the order[s] pertaining to Capital One and Equifax, while blatantly ignoring timely "motions" by Williams and "untimely" motions submitted by Capital One and Equifax. Williams would like to know why these actions by the Judge Johnson Jr. Court is not an "*abuse of discretion*" and cause for immediate recusal and/or granting thereof or at least reconsideration.
4. Williams clearly made sound lawful argument[s] in his motion for recusal [all information contained therein as well as affidavit (ECF 30 & 31)] that clearly depicts the Judge Johnson Jr. Court being non-compliant with Federal Rules of Civic Procedure. Evidently, Capital One by submission of its "reply" brief (ECF 33) inadvertently agrees with Williams; yet Capital One's actions by submitting the reply brief also violated Federal Rules of Civic Procedure

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because the Court gave Capital One 72hrs to submit in regards to why Capital One should be granted the "*extension of time*" to file its answer.

5. Plaintiff properly and timely filed a "*motion to quash*" (ECF 34) in regards to Capital One's reply brief, but the motion was clearly ignored by the Judge Johnson Jr. Court. Plaintiff would like to know why this action by the Court is not considered an "*abuse of discretion*" and warrants reconsideration for recusal and/or disqualification immediately.
6. In a more egregious action by the Court, Plaintiff properly and timely filed a "*motion of objection*" that clearly picked apart Jessica Spurlock's sworn declaration under penalty or perjury (ECF 29), but the motion was clearly ignored by the Judge Johnson Jr. Court. Had the Court considered Williams' motion, the Court may have entertained a different conclusion based on the merits, instead the Court granted Equifax's motion before Williams submitted his motion of objection. Plaintiff would like to know why this action by the Court is not considered an "*abuse of discretion*" and warrants reconsideration in granting of recusal and/or disqualification.
7. Williams makes clear that this is not about the rulings itself, but about the manner in which the order was granted.
8. If both parties motions are not entertained in accords with Federal Rules of Civic Procedure, then Williams claims how can this proceeding be equitable. Please see docket (ECF 6 thru 40).
9. The Judge Johnson Jr. Court on September 1, 2017(ECF 37), immediately granted Capital One's Motion to Dismiss and provided a scheduling order regarding Capital One. The Court however, did not provide a scheduling order when Equifax filed its' answer late (ECF 28). Plaintiff seeks clarity as to why this action by the Court is not an "*abuse of discretion*" and not in violation of the Federal Rules of Civic Procedure as well as why this action by the Court would not warrant an immediate granting of Williams motion for recusal and/or disqualification.

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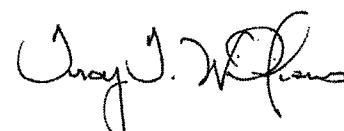
10.Upon reviewing of Capital One 12(b)(6), (ECF 35) they made known that there was some confusion as to the allegations and counts as to how they applied to each defendants. Williams in his attempt to address this matter, submitted to the Johnson Jr. Court a "*motion for leave to amend*" (ECF 40) which has not been given consideration and/or ignored by the Court. Again Williams seeks clarity as to how these actions are in accords with Federal Rules of Civic Procedure and why this action by the Court is not an "*abuse of discretion*" and warrants reconsideration of granting Williams' motion for recusal and/or disqualification.

### CONCLUSION:

Plaintiff Williams asserts that whether or not this Court reconsiders Williams' motion for recusal, Williams respectfully ask that he be at least granted his motion for leave to amend. Furthermore, that this Court provides a new scheduling order for all parties involved in this matter.

**Whereby**, Williams prays this Honorable Court grant relief as stated above.

Respectfully submitted,



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**Certificate of Interested Parties:**

September 8, 2017

I, Troy T. Williams, do solemnly swear that the foregoing is true and correct to the best of my knowledge and that this "*Motion for Reconsideration for Recusal by Chief Judge: Karon O Bowdre*" is in compliance with with Local Court Rules and Fed.R.Civ.P.". I have sent the following parties a copy of my brief via United States Postal Service and by email.. If you have any questions please contact me at twothe1t1will@gmail.com. Thank you.

**Captial One Bank (USA)N.A.**

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Attorney To Be Noticed

**Equifax Information Services Inc.**

**Attn: Kirkland E Reid**

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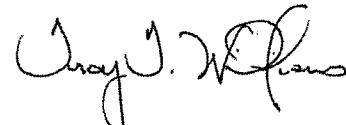
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**ATTORNEY TO BE NOTICED**

Respectfully submitted,



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